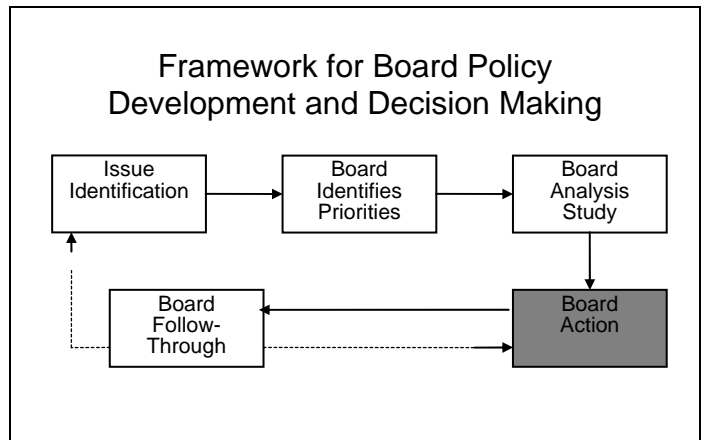


Iowa State Board of Education

Executive Summary

November 14, 2007



- Agenda Item:** Chapter 97 rules, Supplementary Weighting (Adopt)
- Iowa Goal:** (2) All K-12 students will achieve at high levels, prepared for success beyond high school.
- Equity Impact Statement:** All school districts and now area education agencies are governed by the rules for supplementary weighting. These changes implement recent legislation.
- Presenter:** None (Consent Agendum)
- Attachments:** 1
- Recommendation:** It is recommended that the State Board adopt and file the following amendments to this chapter.
- Background:** Recent legislation created new opportunities for school districts and area education agencies (AEAs) to request supplementary weighting. Whole grade sharing arrangements will be eligible for supplementary weighting for three years under certain circumstances and can be carried forward another three years. Classes taught using the ICN video network will now be eligible for supplementary weighting, and the teacher providing the ICN class will receive a portion of the supplementary weighting funding. Operational function sharing will be eligible for supplementary weighting up to five years with an annual 20% phase-out. AEAs, as well as school districts, are eligible for supplementary weighting under this plan, and the potential sharing partners are expanded.

No one appeared at the public hearing held October 30, 2007. Five written comments were received by the agency. Other than the comment from the Iowa Association of School Boards (IASB), the comments questioned the policy underlying the legislation and were not directed at the rules *per se*. The comment from IASB primarily raised questions about the restrictions in 97.7(2), shared operational functions. The agency believes that its interpretation of S.F. 447 in subrule 97.7(2), that supplementary weighted dollars are intended for managerial duties within the five discrete operational functions, is the correct interpretation of the legislation.

Since the Notice of Intended action was published, the following items have been changed:

97.1: The definition of "political subdivision" was modified to strike the word "only," thereby making the definition consistent with the statutory definition. This change was made in direct response to IASB's comment.

97.7(2): The introductory paragraph includes an additional sentence to clarify that "operational function sharing" excludes clerical personnel as well as librarians, counselors, nurses, and curriculum directors. The exclusion of curriculum directors is explicitly added to 97.7(2)"c"(2); school bus mechanics and school bus drivers added as an exclusion in 97.7(2)"d"(2); and custodians added as an exclusion in 97.7(2)"e"(2).

EDUCATION DEPARTMENT[281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby amends Chapter 97, "Supplementary Weighting," Iowa Administrative Code.

2007 Iowa Acts, Senate File 447 and Senate File 588, section 20, amending sections of Iowa Code chapter 257, created new opportunities for school districts and area education agencies (AEAs) to request supplementary weighting. Pursuant to the new legislation, proposed revisions to the Chapter 97 administrative rules are as follows: Whole-grade sharing arrangements will be eligible for supplementary weighting for three years under certain circumstances and can be carried forward another three years. Classes taught using the ICN video network will now be eligible for supplementary weighting, and the teacher providing the ICN class will receive a portion of the supplementary weighting funding. Operational function sharing will be eligible for supplementary weighting for up to five years with an annual 20 percent phase-out. AEAs, as well as school districts, will be eligible for supplementary weighting under this plan, and the potential sharing partners are expanded. The last opportunity to request supplementary weighting for a regional academy will be on the certified enrollment due October 15, 2007.

An agencywide waiver provision is provided in 281—Chapter 4.

Notice of Intended Action was published in the October 10, 2007 Iowa Administrative Bulletin as ARC6290B. A public hearing was held on October 30, 2007, and public comments were allowed until 4:30 p.m. October 30, 2007. No one appeared at the public hearing; five written comments were received by the agency. Other than the comment from the Iowa Association of School Boards (IASB), the comments questioned the policy underlying the legislation and were not directed at the rules *per se*. The comment from IASB primarily raised questions about the restrictions in 97.7(2), shared operational functions. The agency believes that its interpretation of S.F. 447 in subrule 97.7(2), that supplementary weighted dollars are intended for managerial duties within the five discrete operational functions, is the correct interpretation of the legislation.

Since the Notice of Intended action was published, the following items have been changed:

97.1: The definition of “political subdivision” was modified to strike the word “only,” thereby making the definition consistent with the statutory definition. This change was made in direct response to IASB’s comment.

97.7(2): The introductory paragraph includes an additional sentence to clarify that “operational function sharing” excludes clerical personnel as well as librarians, counselors, nurses, and curriculum directors. The exclusion of curriculum directors is explicitly added to 97.7(2)“c”(2); school bus mechanics and school bus drivers added as an exclusion in 97.7(2)“d”(2); and custodians added as an exclusion in 97.7(2)“e”(2).

These amendments are intended to implement 2007 Iowa Acts, Senate File 447 and Senate File 588, section 20.

The following amendments are adopted.

ITEM 1. Amend rule **281—97.1(257)** as follows:

Amend the definitions of “class” and “supplementary weighting plan” as follows:

“Class” ~~means~~ shall mean a course for academic credit which applies toward a high school or community college diploma.

“Supplementary weighting plan” shall mean a plan as defined in this chapter to add a weighting for each resident student eligible ~~that~~ who is enrolled in an eligible class taught by a teacher employed by another school district or taught by a teacher employed jointly with another school district or sent to and enrolled in an eligible class in another school district or sent to and enrolled in an eligible community college class. The supplementary weighting for each eligible class shall be calculated by multiplying the fraction of a school year that class represents times the number of eligible resident students enrolled in that class times the weighting factor of ~~forty-eight hundredths~~.

Adopt the following new definitions in alphabetical order:

“Actual enrollment” shall mean the enrollment determined annually on October 1, or the first Monday in October if October 1 falls on a Saturday or Sunday, pursuant to Iowa Code section 257.6.

“Political subdivision” shall mean a political subdivision in the state of Iowa and shall include a city, a township, a county, a public school district, a community college, an area education agency, or an institution governed by the state board of regents (Malcolm Price Laboratory School, Iowa Braille and Sight Saving School, Iowa School for the Deaf, Iowa State University, University of Iowa, and University of Northern Iowa).

“Superintendent” shall be defined pursuant to Iowa Code section 272.1.

ITEM 2. Amend rule 281—97.2(257) as follows:

281—97.2(257) Supplementary weighting plan.

97.2(1) Eligibility. Except if listed under subrule 97.2(6), a resident student is eligible for supplementary weighting if the student is eligible to be counted as a resident student for certified enrollment and if one of the following conditions is met pursuant to Iowa Code section 257.11:

a. to d. No change.

Other than as listed in paragraphs “a” to “d” above and in rules 281—97.3(257) ~~and~~, 281—97.4(257), ~~and 281—97.7(257)~~, no other sharing arrangement shall be eligible for supplementary weighting.

97.2(2) and **97.2(3)** No change.

97.2(4) Attend class taught by a teacher jointly employed with another school district. All of the following conditions must be met for any student attending class taught by a teacher jointly employed to be eligible for supplementary weighting under paragraph 97.2(1)“c.” The school districts jointly employing the teacher must have:

- a. A joint teacher evaluation process and instruments.
- b. A joint ~~educational-excellence phase III~~ teacher professional development plan.
- c. One single salary schedule.

Except for joint employment contracts which meet the requirements of paragraphs “a” to “c” above, no two or more school districts shall list each other for the same classes and grade levels.

97.2(5) Attend class in a community college. All of the following conditions must be met for any student attending a community college-offered class to be eligible for supplementary weighting under paragraph 97.2(1)“d.”

a. to d. No change.

e. The course must be taught by a teacher ~~meeting community college licensing requirements for~~ whose services the community college has contracted to specifically teach the class.

f. and g. No change.

97.2(6) Ineligibility. The following students are ineligible for supplementary weighting:

a. Nonresident students attending the school district under any arrangement except open enrolled in students, nonpublic shared-time students, or dual enrolled competent private instruction students in grades 9 through 12.

b. Students taking courses taught via ~~the Iowa Communications Network (ICN) or any other~~ television or electronic medium ~~pursuant to Iowa Code section 257.14~~ except the Iowa Communications Network (ICN) video services.

c. No change.

d. Students in whole-grade sharing arrangements except under sharing pursuant to subrule 97.2(5) or subrule 97.2(7).

e. Students open enrolled ~~in or~~ out except under sharing pursuant to subrule 97.2(5) or subrule 97.6(1), paragraph "c."

~~f. Students enrolled in nonpublic schools.~~

~~g. Students participating in a home school assistance program or dual enrollment.~~

f. Students open enrolled in except under sharing pursuant to subrule 97.2(5) or subrule 97.6(1), paragraph "c," when the students are under competent private instruction dual enrolled in grades 9 through 12.

~~h~~ g. Students participating in shared services rather than shared classes except under sharing pursuant to rule 97.7(257).

~~i~~ h. Students taking postsecondary enrollment options (PSEO) courses authorized under Iowa Code chapter 261C are ineligible for supplementary weighting for the PSEO courses.

~~j~~ i. Students enrolled in courses or programs offered by their resident school districts unless those courses meet the conditions for attending classes in a community college under subrule 97.2(5) or if the teacher is employed by another school district pursuant to subrule 97.2(3) or if a teacher is jointly employed with another school district pursuant to subrule 97.2(4) or if the courses are included in the curriculum of an in-district regional academy pursuant to subrule 97.4(1) or if the courses are in-district virtual classes provided via Iowa Communications Network (ICN) video services to other districts pursuant to subrule 97.6(1).

~~k~~ j. Students enrolled in courses or programs taught by teachers employed by their resident school districts unless the employment meets the criteria of joint employment with another school district under subrule 97.2(4) or if the criteria in subrule 97.2(5) are met for students attending class in a community college or if the courses are included in the curriculum of an in-district regional academy pursuant to subrule 97.4(1) or if the courses are in-district virtual classes provided via Iowa Communications Network (ICN) video services to other districts pursuant to subrule 97.6(1).

~~l~~ k. Students enrolled in an at-risk program or alternative school program.

~~m~~ 1. Students enrolled in summer school courses.

97.2(7) No change.

97.2(8) Due date. Supplementary weighting shall be included with the certified enrollment which is due ~~October 1 following the third Friday in September~~ October 15 following the October 1, or the first Monday in October if October 1 falls on a Saturday or Sunday, on which the enrollment was taken.

ITEM 3. Amend rule 281—97.4(257) as follows:

281—97.4(257) Supplementary weighting plan for a regional academy.

97.4(1) No change.

97.4(2) Weighting. Resident students eligible for supplementary weighting pursuant to subrule 97.4(1) shall be eligible for a weighting of one-tenth of the ~~percent of the pupil's school day~~ fraction of a school year during which the pupil attends courses at the regional academy in which nonresident students are enrolled pursuant to subrule 97.4(1), paragraph "a." ~~Pursuant to Iowa Code Supplement section 257.11, subsection 6, the portion of time a course utilizes ICN delivered coursework shall not be eligible for supplementary weighting.~~

97.4(3) and **97.4(4)** No change.

97.4(5) Additional programs. If all of the criteria in subrule 97.4(1) are met, the regional academy may also include in its curriculum vocational-technical courses or a virtual academy. ~~Notwithstanding subrule 97.4(2), if~~ If the Internet connection for a qualified virtual academy is provided through the ICN, that Internet connection shall be deemed ~~not to be a violation of a regional academy class and not an ICN video class pursuant to Iowa Code Supplement section 257.11, subsection 6, for purposes of this subrule.~~

97.4(6) No change.

97.4(7) October 1, 2007, is the final date that any students may be included for supplementary weighting for an in-district regional academy.

ITEM 4. Amend rule 281—97.5(257) as follows:

281—97.5(257) Supplementary weighting plan for whole-grade sharing.

97.5(1) Whole-grade sharing. A school district which participates in a whole-grade sharing arrangement executed pursuant to Iowa Code sections 282.10 to 282.12 and which has adopted a board resolution to study dissolution or has adopted a board resolution jointly with all other affected boards to study reorganization to take effect on or before July 1, ~~2006~~ 2014, is eligible to assign a weighting of one-tenth of the ~~percentage of the pupil's day~~ fraction of the school year during which resident pupils attend classes pursuant to subrule 97.2(1), paragraph "a," "b," or "c."

~~a. A school district that was participating in a whole-grade sharing arrangement during the budget year beginning July 1, 2000, shall be eligible for supplementary weighting under this subrule for a maximum of two years. Receipt of supplementary weighting for a second year shall be conditioned upon submission of information resulting from the study to the school budget review committee indicating progress toward the objective of dissolution or reorganization on or before July 1, 2006.~~

b. A school district ~~that was not~~ participating in a whole-grade sharing arrangement ~~during the budget year beginning July 1, 2000,~~ shall be eligible for supplementary weighting under this subrule for a maximum of three years. Receipt of supplementary weighting for the second year and for the third year shall be conditioned upon submission of information resulting from the study to the school budget review committee indicating progress or continued progress toward the objective of dissolution or reorganization on or before July 1, ~~2006~~ 2014.

97.5(2) No change.

97.5(3) Consecutive years. A school district that is eligible to add a supplementary weighting for resident students attending classes under a whole-grade sharing arrangement pursuant to subrule 97.5(1) is not required to utilize consecutive years. However, the final year in which a supplementary weighting may be added on ~~the third Friday in September~~ October 1 for this purpose shall not be later than the school year that begins July 1, ~~2005~~ 2013.

97.5(4) No change.

97.5(5) Filing board resolutions. Each school district that adopts a board resolution to study dissolution or has adopted a board resolution jointly with all other affected boards to study reorganization shall file a copy of the board resolution with the department of education not later than ~~the third Friday in September~~ October 1 on which date the district intends to request supplementary weighting for whole-grade sharing.

97.5(6) Filing progress reports. Each school district that assigned a supplementary weighting to resident students attending class in a whole-grade sharing arrangement and that intends to assign a supplementary weighting to resident students attending class in a whole-grade sharing arrangement in the following year shall file a ~~progress report~~ report of progress toward reorganization with the school budget review committee, on forms developed by the department of education, no later than August 1 preceding ~~the third Friday in September~~ October 1 on which date the district intends to request supplementary weighting for whole-grade sharing.

a. No change.

b. The report must indicate progress toward a reorganization or dissolution to occur on or before July 1, 2014. Indicators of progress may include, but are not limited to:

(1) Establishing substantially similar salary schedules or a plan by which the sharing districts will be able to develop a single salary schedule upon reorganization.

(2) Establishing a joint teacher evaluation process and instruments.

(3) Developing a substantially similar continuous school improvement plan (CSIP) with aligned goals including a district professional development plan.

(4) Increasing the number of grades involved in the whole-grade sharing arrangement.

(5) Increasing the number of shared teaching or educator positions.

(6) Increasing the number or extent of operational sharing arrangements.

(7) Increasing the number of shared programs such as career, at risk, gifted and talented, curricular, or cocurricular.

(8) Increasing the number of joint board meetings or planning retreats.

(9) Holding regular or frequent public meetings to inform the public of progress toward reorganization and to receive comments from the public regarding the proposed reorganization.

(10) Adopting a reorganization or dissolution proposal.

(11) Setting proposed boundaries.

(12) Setting a date for an election on the reorganization or dissolution proposal.

~~b~~ c. The school budget review committee shall consider each progress report at its first regular meeting of the fiscal year and shall accept the progress report or shall reject the progress report with comments. The reports will be evaluated on demonstrated progress within the past year toward reorganization or dissolution.

~~e~~ d. A school district whose progress report is not accepted shall be allowed to submit a revised progress report at the second regular meeting of the school budget review committee. The committee shall accept or reject the revised progress report.

~~d~~ e. If the school budget review committee rejects the progress report and the district does not submit a revised progress report or if the school budget review committee rejects the revised progress report, the school district shall not be eligible for supplementary weighting for whole-grade sharing.

ITEM 5. Adopt **new** rules 281—97.6(257) and 281—97.7(257) as follows:

281—97.6(257) Supplementary weighting plan for ICN video services.

97.6(1) Eligibility. Except for students listed under subrule 97.2(6), a resident student is eligible for supplementary weighting if the student is eligible to be counted as a resident student for certified enrollment, is not eligible for supplementary weighting for the same course under another supplementary weighting plan, and meets any of the criteria in “a,” “b,” or “c” below. For purposes of this subrule, the portion of a course offered via ICN video services shall be considered separately from the portion of the course not offered via ICN video services. Eligible students include:

- a. Resident students who receive a virtual class provided by another school district via ICN video services.
- b. Resident students who attend a virtual class that the resident district is providing to students in one or more other school districts via ICN video services.
- c. Resident students who receive a virtual community college class via ICN video services. The community college class must be a course eligible for supplementary weighting under the criteria listed in subrule 97.2(5).

97.6(2) Weighting. Resident students eligible for supplementary weighting pursuant to subrule 97.6(1) shall be eligible for a weighting of one–twentieth of the fraction of the school year during which the pupil attends the virtual class.

97.6(3) Payment to teachers. A school district that includes students in a virtual class for supplementary weighting shall reserve 50 percent of the supplementary weighting funding the district will receive as a result of including the resident students in the virtual class for supplementary weighting as additional pay for the virtual class teacher.

- a. The employer of the virtual class teacher will make the payment.
- b. The additional pay includes salary and the employer’s share of FICA and IPERS.
- c. The employer shall pay the virtual class teacher during the same school year in which the virtual class is provided.
- d. The employer may pay the virtual class teacher at the conclusion of the virtual class or may pay the teacher periodic payments that represent the portion of the virtual class that has been provided. The employer may not pay the teacher prior to services being rendered.
- e. The additional pay shall be calculated as 0.5 multiplied by the supplementary weighting for the virtual class multiplied by the district cost per pupil in the subsequent budget year.
- f. If the teacher’s contract includes additional pay for teaching the virtual class, the teacher shall receive the higher amount of the additional pay in the contract or the amount of the additional pay

calculated pursuant to paragraphs “b” and “e” above. For purposes of this comparison, the employer shall compare the salary portions only.

g. The contract between the agencies shall provide for the additional pay for the teacher of the virtual class. That 50 percent of the supplementary weighting funding would be paid in addition to the tuition sent to the providing district or community college to be paid as additional pay to its teacher employee.

281—97.7(257) Supplementary weighting plan for operational services.

97.7(1) Eligibility. Except for students listed under subrule 97.2(6), a resident student is eligible for supplementary weighting if the student is eligible to be counted as a resident student for certified enrollment and if all of the following criteria are met:

a. The district shares a discrete operational function with one or more other political subdivisions pursuant to an Iowa Code chapter 28E agreement.

b. The district shares the operational function for at least 20 percent of the contract time period during the fiscal year that is customary for a full-time employee in the operational function being shared, and at least one of the sharing partners also shares the operational function for at least 20 percent of the contract time period during the fiscal year. The 20 percent is measured each fiscal year and for each discrete operational function.

c. Personnel shared as part of the operational function are employees of one of the sharing partners but are not employees of more than one of the sharing partners.

d. If the district shares an operational function with more than one political subdivision, the sharing arrangement is listed only once for purposes of supplementary weighting.

e. If the district shares more than one individual in the same operational function, that operational function shall be listed only once for the purposes of supplementary weighting.

f. No individual personnel shall be included for operational function sharing more than once for supplementary weighting in the same fiscal year.

g. If more than one sharing arrangement is implemented in any one operational function area and the services shared are substantially similar as determined by the department of education, only the sharing arrangement implemented first will be eligible for supplementary weighting.

h. The operational function areas shared include one or more of the areas listed in subrule 97.7(2).

97.7(2) Operational function area eligibility. “Operational function sharing” means sharing of managerial personnel in the discrete operational function areas of superintendent management, business management, human resources management, student transportation management, or facility operation or

maintenance management. “Operational function sharing” does not mean sharing of clerical personnel, librarians, counselors, nurses, and curriculum directors. The operational function sharing arrangement does not need to be a newly implemented sharing arrangement in order to be eligible for supplementary weighting.

a. Superintendent management.

(1) Shared personnel must perform the services of a superintendent, in the case of a school district, or chief administrator, in the case of an area education agency, or executive administrator, in the case of other political subdivisions, for each of the sharing partners. An individual performing the function of a superintendent or chief administrator must be properly licensed for that position.

(2) If the services of a superintendent are shared in any of the five eligible years, the district may not also share an assistant superintendent in any year for purposes of supplementary weighting.

(3) Clerical or other support services personnel in the superintendent function area or executive administrator function area shall not be considered shared superintendent management under this subrule.

(4) Shared superintendent services or executive administrator services shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.

b. Business management.

(1) Shared personnel must perform the services of managing the business operations for each of the sharing partners. Managing business operations would include personnel performing the duties of a business manager or personnel performing the duties listed in the Iowa Code for a board secretary including, but not limited to, board secretary duties listed in chapter 291, or personnel performing the duties listed in the Iowa Code for a board treasurer including, but not limited to, board treasurer duties listed in chapter 291, in each of the sharing partners.

(2) Services of clerical personnel, superintendents, principals, teachers, board officers except those listed in subparagraph (1), or any other nonbusiness administration personnel shall not be considered shared business management under this subrule.

(3) Shared business management shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.

c. Human resources management.

(1) Shared personnel must perform the services of managing human resources for each of the sharing partners.

(2) Services of clerical personnel, superintendents, principals, curriculum directors, teachers, or board officers shall not be considered shared human resources management under this subrule.

(3) Shared human resources management shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.

d. Student transportation management.

(1) Shared personnel shall include transportation directors or supervisors. Shared personnel must perform services related to transportation for each of the sharing partners, but may perform different transportation services for each of the sharing partners.

(2) Services of clerical or paraprofessional personnel, school bus mechanics, and school bus drivers shall not be considered shared student transportation management under this subrule.

(3) Shared transportation shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.

e. Facility operations and maintenance.

(1) Shared personnel shall include facility managers and supervisors of buildings or grounds. Shared personnel must perform services related to facility operations and maintenance for each of the sharing partners, but may perform different facility operations and maintenance services for each of the sharing partners.

(2) Services of clerical personnel shall not be considered shared facility operations and maintenance management for supplementary weighting under this subrule.

(3) Shared facility operations and maintenance shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.

97.7(3) Years of eligibility. A school district participating in an operational function sharing arrangement shall be eligible for supplementary weighting under this rule for a maximum of five years. The five years of eligibility shall include each year in which any shared operational function is included for supplementary weighting. The supplementary weighting for eligible shared operational functions may be included beginning on October 1, 2007.

a. Receipt of supplementary weighting after the first year shall be conditioned upon the submission of cost information provided in the format prescribed by the department of education as part of the certified annual report documenting cost savings directly attributable to the shared operational functions.

b. The documentation shall be filed no later than September 15 preceding the October 1 on which the second, third, fourth, or fifth year of operational function sharing is included for supplementary weighting.

97.7(4) Contiguous districts. School districts that share operational functions with other school districts must be contiguous school districts. If two or more sharing partner districts are not contiguous to each other, all districts separating those districts must be a party to the operational function sharing arrangement.

97.7(5) Consecutive years. A school district that is eligible to add a supplementary weighting for resident students for a shared operational function is not required to utilize consecutive years. However, the final year in which a supplementary weighting may be added on October 1 for this purpose shall not be later than the school year that begins July 1, 2012, and the total of all years in which a supplementary weighting may be added on October 1 for this purpose shall not exceed five years.

97.7(6) Change in sharing partners. A school district that is eligible to add a supplementary weighting for resident students for a shared operational function may enter into an operational function sharing arrangement with one or more different sharing partners for its second, third, fourth or fifth year of eligible weighting. Establishing a new operational function sharing arrangement in a substantially similar function does not extend the maximum number of years for which a school district is eligible.

97.7(7) Change in shared personnel. A school district that is eligible to add a supplementary weighting for resident students for a shared operational function may enter into an operational function arrangement for a different individual in a substantially similar position. Implementing a change of the individual or individuals shared does not extend the maximum number of years for which a school district is eligible.

97.7(8) Multiple shared operational functions. A school district that implements more than one sharing arrangement within any discrete operational function area shall be eligible for supplementary weighting for only one sharing arrangement in that discrete operational function.

97.7(9) Weighting. Resident students eligible for supplementary weighting pursuant to rule 97.7(257) shall be eligible for a weighting of two-hundredths per pupil included in the actual enrollment in the district. The supplementary weighting shall be assigned to each discrete operational function shared. The maximum number of years for which a supplementary weighting shall be assigned for all operational functions shared is five years.

a. The supplementary weighting for operational functions shared is decreased each year based on the following schedule:

(1) The total supplementary weighting calculated for all operational function sharing in the second year of any operational function sharing, after application of minimum and maximum supplementary weighting, shall be reduced by 20 percent of the total supplementary weighting for all operational function sharing in the first year of any operational function sharing, but not reduced to less than zero.

(2) The total supplementary weighting calculated for all operational function sharing in the third year of any operational function sharing, after application of minimum and maximum supplementary weighting, shall be reduced by 40 percent of the total supplementary weighting for all operational function sharing in the first year of any operational function sharing, but not reduced to less than zero.

(3) The total supplementary weighting calculated for all operational function sharing in the fourth year of any operational function sharing, after application of minimum and maximum supplementary weighting, shall be reduced by 60 percent of the total supplementary weighting for all operational function sharing in the first year of any operational function sharing, but not reduced to less than zero.

(4) The total supplementary weighting calculated for all operational function sharing in the fifth year of any operational function sharing, after application of minimum and maximum supplementary weighting, shall be reduced by 80 percent of the total supplementary weighting for all operational function sharing in the first year of any operational function sharing, but not reduced to less than zero.

b. The department shall reserve the authority to determine if an operational sharing arrangement constitutes a discrete arrangement, new arrangement, or continuing arrangement if the circumstances have not been clearly described in the Iowa Code or the Iowa Administrative Code.

97.7(10) Maximum weighting. The maximum amount of additional weighting for which a school district participating in operational function sharing shall be eligible is an amount corresponding to 40 full-time equivalent pupils prior to any reduction pursuant to subrule 97.7(9). The maximum additional weighting applies to the total of all operational function sharing rather than to each discrete operational function.

97.7(11) Minimum weighting. The minimum amount of additional weighting for which a school district participating in operational function sharing shall be eligible is an amount corresponding to ten additional pupils prior to any reduction pursuant to subrule 97.7(9). The minimum additional weighting applies to the total of all operational function sharing rather than each discrete operational function.

97.7(12) Filing cost-savings documentation. Each school district that receives supplementary weighting for sharing one or more operational functions shall file with the department of education documentation of cost savings directly attributable to the shared operational functions. This documentation shall be submitted in the format prescribed by the department of education as part of the certified annual report. The documentation shall be filed no later than September 15 preceding the October 1 on which the second, third, fourth, or fifth year of operational function sharing is included for supplementary weighting.

97.7(13) Determining cost savings. The criteria considered by the department of education in determining shared operational function cost savings and increased student opportunities shall include, but not be limited to, the following:

a. The percent of costs calculated as the total of general fund expenditures for all operational functions that could be shared divided by the total of all general fund expenditures, multiplied by 100, in the current year compared to the previous year. The current year is the fiscal year ending on June 30 that includes the October 1 on which the district included any operational function shared for supplementary weighting. The decrease in percent shall be a measurable decrease of at least one-tenth of one percent in the first fiscal year for which cost savings are determined. In a year after the first fiscal year for which cost savings are determined, the percent of costs shall not be greater than the percent in the previous fiscal year.

b. The percent of costs calculated as the total of general fund expenditures for all instruction, student support, and instructional staff support functions divided by the total of all general fund expenditures, multiplied by 100, in the current year compared to the previous year. The current year is the fiscal year ending on June 30 that includes the October 1 on which the district included any operational function shared for supplementary weighting. The increase in percent must be a measurable increase of at least one-tenth of 1 percent in the first fiscal year for which increased student opportunities are determined. In a year after the first fiscal year for which increased student opportunities are determined, the percent of costs shall not be less than the percent in the previous fiscal year.

c. The department of education will adjust the total expenditures to exclude distorting financial transactions such as energy costs, large equipment purchases, or interagency financial transactions.

d. If the district cannot demonstrate cost savings directly attributable to the shared operational function and increased student opportunities, the district will not be eligible for supplementary weighting for operational function sharing for that fiscal year.

97.7(14) Area education agency maximum funding. The provisions of rule 97.7(257) also apply to an area education agency except for per-pupil weightings, minimum weightings, and maximum weightings.

a. In lieu of minimum weightings, an area education agency shall be eligible for a minimum amount of additional funding of \$50,000 for the total of all operational function sharing arrangements. The dollar amount calculated in the first year of any operational function sharing will be used to determine the annual reductions.

b. In lieu of maximum weightings, an area education agency shall be eligible for a maximum amount of additional funding of \$200,000 for the total of all operational function sharing arrangements. The dollar

amount calculated in the first year of any operational function sharing will be used to determine the annual reductions.

c. In lieu of supplementary weighting of students, the department of management shall annually set a weighting for each area education agency to generate the approved operational function sharing dollars using each area education agency's special education cost-per-pupil amount and foundation level.

ITEM 6. Amend **281—Chapter 97**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~sections~~ section 257.6, section 257.11 as amended by 2007 Iowa Acts, Senate File 447 and Senate File 588, section 20, and section 257.12.